

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHARLES BAKER,

Defendant.

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CASE NO. 8:15CR12

TENTATIVE FINDINGS

The Court has received the Presentence Investigation Report and Addendum ("PSR"), and the Defendant's objections (Filing No. 34) and request for a variance along with a Sentencing Memorandum (Filing Nos. 37 and 42). The government has not objected to the PSR. See *Amended Order on Sentencing Schedule*, ¶ 6. The Court advises the parties that these Tentative Findings are issued with the understanding that, pursuant to *United States v. Booker*, 543 U.S. 220 (2005), the sentencing guidelines are advisory.

Accordingly,

IT IS ORDERED:

1. Pursuant to defense counsel's request, the arguments made by the Defendant in his Objections to Revised Presentence Investigation Report (Filing No. 34) will be taken into consideration when addressing his Motion for Variance (Filing No. 37);
2. The Court intends to adopt the PSR in all other respects;
3. If **any** party wishes to challenge these tentative findings, the party shall immediately file in the court file and serve upon opposing counsel and the Court a motion challenging these tentative findings, supported by (a) such evidentiary materials as are required (giving due regard to the requirements of the local rules of practice respecting the submission of evidentiary materials), (b) a brief as to the law, and (c) if an evidentiary

hearing is requested, a statement describing why an evidentiary hearing is necessary and an estimated length of time for the hearing;

4. Absent submission of the information required by paragraph 3 of this Order, these tentative findings are final; and

5. Unless otherwise ordered, any motion challenging these tentative findings shall be resolved at sentencing.

DATED this 26th day of January, 2016.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge